

## UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Nader Bargshady

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Defendant\_1: Volodymyr Hrynychuk  
 Defendant\_2: Oleksandr "Sasha" Serdiuk  
 Defendant\_3: Lizardo Giraldo

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Nader Bargshady
Street Address	126 Deerfoot Rd.
City and County	Southborough, Worcester County
State and Zip Code	Massachusetts, 01772
Telephone Number	(650) 269-0314
E-mail Address	bargshady@gmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	<u>Volodymyr Hrynychuk</u>
Job or Title <i>(if known)</i>	<u>Owner</u>
Street Address	<u>800 Boylston St.</u>
City and County	<u>Chestnut Hill, Suffolk County</u>
State and Zip Code	<u>Massachusetts, 02467</u>
Telephone Number	<u>(781) 999-4292</u>
E-mail Address <i>(if known)</i>	<u></u>

## Defendant No. 2

Name	<u>Oleksandr "Sasha" Serdiuk</u>
Job or Title <i>(if known)</i>	<u>Project manager</u>
Street Address	<u>800 Boylston St.</u>
City and County	<u>Chestnut Hill, Suffolk County</u>
State and Zip Code	<u>Massachusetts, 02467</u>
Telephone Number	<u>(857) 523-2699</u>
E-mail Address <i>(if known)</i>	<u></u>

## Defendant No. 3

Name	<u>Lizardo Giraldo</u>
Job or Title <i>(if known)</i>	<u>Lead Foreman</u>
Street Address	<u>800 Boylston St.</u>
City and County	<u>Chestnut Hill, Suffolk County</u>
State and Zip Code	<u>Massachusetts, 02467</u>
Telephone Number	<u>(781) 558-7980</u>
E-mail Address <i>(if known)</i>	<u></u>

## Defendant No. 4

Name	<u></u>
Job or Title <i>(if known)</i>	<u></u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Federal Arbitration Act (FAA): 9 U.S.C. § 10: The grounds to vacate an arbitration award.

(A) The arbitrator displayed clear partiality, as outlined in 9 U.S.C. § 10(a)(2).

(B) Questioning the conduct of the arbitrator and the arbitration process as per 9 U.S.C. § 10(a)(3).

(C) Defendant\_2 untrue testimony under oath.

\*\*\* Kindly consult the Attachments.pdf provided alongside this form.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the  
State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of  
the State of *(name)* \_\_\_\_\_. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I firmly believe that the arbitration process lacked both fairness and balance. Key concerns encompass:

(i) Arbitrator Bias, (ii) Deviation from essential contract matters and contract violation, (iii) Inconsistent statements made by the arbitrator, (iv) Defendant\_3, the primary contributor who breached the contract terms by not using Bona, was not in attendance during the hearing, (v) Defendant\_2 providing untrue testimony under oath.

\*\*\* Kindly consult the Attachments.pdf provided alongside this form.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Considering the concerns outlined in the statement of claim, I firmly believe that a lack of fairness and balance characterized the conducted arbitration process. The project's failure to meet the agreed-upon standards necessitates a comprehensive redo, affecting the aesthetics, longevity, and functionality of our flooring. In response, I request the appointment of a new, impartial arbitrator and the commencement of a fresh arbitration procedure committed to upholding principles of justice and impartiality.

\*\*\* Kindly consult the Attachments.pdf provided alongside this form.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/12/2024

Signature of Plaintiff Nader bargshady

Printed Name of Plaintiff Nader Bargshady

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_